

## **REMARKS**

### **1. Drawing and Specification**

The drawing have been objected to since reference numerals 38, 40 and 42 appear in figure 2, but are not mentioned in the specification. It is noted that the Office Action indicates that it is reference numerals 28, 40 and 42 that do not appear in the specification. It is assumed that the Examiner meant to recite 38, 40 and 42 as reference numeral 28, which appears in figure 1, is described in the specification on pages 6-8.

To address the objection, the specification has been amended by replacing the paragraph starting at page 9, line 7. The replacement paragraph refers to each of 38, 40 and 42. From the original version of that paragraph, as well as that which is shown in figure 2 and other portions of the specification (e.g., page 5, lines 3-13 and the descriptions of lines 44, 45 and 46 on page 9), it will be apparent that no new matter has been added to the application.

In addition, enclosed is a replacement drawing sheet for figure 2. In the replacement sheet, reference numerals 38 and 40 for the corresponding lines pointing to and from the block identified as Proxy Server #2 have been reversed for consistency with the written description.

Accordingly, reconsideration and withdrawal of the objection to the drawing is respectfully requested.

### **2. Claim Objections**

Claims 2, 6 and 8-9 have been objected to for reasons set forth in the Office Action. Claims 2, 6 and 8-9 have been canceled. Accordingly, reconsideration and withdrawal of the objections is respectfully requested.

**3. Double Patenting**

Claims 1 and 15 have been provisionally rejected under 35 U.S.C. § 101 over claims 1-2 of copending Application No. 11/036,001. Claims 5-10 and 14 have been provisionally rejected under the doctrine of obviousness-type double patenting over claims 3-7, 14 and 17 of copending Application No. 11/036,001. Claims 1, 5-10 and 14-15 have been canceled. Accordingly, reconsideration and withdrawal of the double patenting rejections is respectfully requested.

**4. Claim Rejections - 35 U.S.C. § 102**

Claims 1-3, 6-12 and 14-16 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,795,867 to Ma. It is noted that paragraph 7 of the Office Action refers to claims 1-22 as being rejected. It is assumed that the Examiner intended to recite claims 1-3, 6-12 and 14-16 as these are the only claims discussed in detail in the following paragraphs under the heading "Claim Rejections - 35 U.S.C. § 102" and only claims 1-16 are pending in the application. Nevertheless, claims 1-16 have been canceled. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

**5. Claim Rejections - 35 U.S.C. § 103**

Claims 4-5 and 13 have been rejected under 35 U.S.C. § 103(a) over Ma in view of U.S. Patent No. 6,725,253 to Okano. Claims 4-5 and 13 have been canceled. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

**6. New Claims**

Claims 17-30 have been added. Independent claim 17 is directed to VoIP system and independent claim 25 is directed to a method of balancing workload in a VoIP system. In the system and method, a request from a VoIP client is received by a load balancing server, which reacts by transmitting a request of its own to each of a

plurality of VoIP proxy servers. The identity of the first of the VoIP proxy servers to respond is transmitted to the VoIP client to indicate to the VoIP client which one of the VoIP proxy servers the VoIP client should communicate with to complete a VoIP call. Attention is drawn to the specification at: page 5, lines 3-13; page 7, line 21 to page 8, line 8; page 9, lines 1-31; and page 10, lines 12-13, among other locations, for additional descriptions of the claimed subject matter.

The claimed system and process, which are novel and unobvious, efficiently services the VoIP client while distributing workload among a group of VoIP proxy servers.

As will be readily apparent, the reference to Ma that is relied upon by the Examiner in the rejections of the canceled claims is distinguishable from the subject matter of claims 17-30. For example, the operation of Ma's system (where endpoints are the most akin device to the recited VoIP client, gatekeepers are the most akin device to the recited VoIP proxy servers, and a load management unit (LMU) is the most akin device to the recited load balancing proxy server) is described at column 5, line 63 to column 6, line 30 as follows:

In a typical operation, an endpoint 112 initiates a call to endpoint 114. Upon call initiation, the endpoint 112 dials Gateway 104 via the PSTN 120 requesting a call to endpoint 114. The Gateway 104 answers the call and performs initial call setup by sending a setup message to the Gateway 108 with which the endpoint 112 previously registered. The Gatekeeper 108, however, does not respond to the setup message received from the endpoint 112 or continue setting up the call. Instead, the Gatekeeper 108 passes the setup message to a LMU. Each Gatekeeper 108 and 109 may have a LMU (or portion thereof) or the LMU may be centrally located and accessible by all Gatekeepers deployed by the service provided. Particular structures will be described with reference to FIGS. 3A and 3B.

Upon receipt of the setup message, the LMU (contained in the Gatekeeper 108 in the illustrated embodiment) determines which Gatekeeper 108 or 109 will service the call. If the LMU determines that the Gatekeeper 108 will service the call, it transfers control for continued call setup to the Gatekeeper 108. However, if the LMU determines that the Gatekeeper 109 will service the call, it directs the Gatekeeper 108 to issue a facility redirect message to the endpoint 112, directing the Gateway 104 to send a setup message to Gatekeeper 109...

The Gateway 104 then sends a release message to Gatekeeper 108 and sends a setup message to Gatekeeper 109. The Gatekeeper 109 receives the setup message and, in

response, the servicing Gatekeeper 109 sets up and services the call with endpoint 114 via the PSTN.

The passage cited by the Examiner, column 8, line 41 to line 8 of column 9 in connection with figure 4 of Ma describes logic consistent with the quoted passage. To summarize, Ma's endpoint initiates a call and a call setup request is sent to a gatekeeper. The gatekeeper passes that setup message to the LMU. Based on workload data made known to the LMU, the LMU then either transfers the call responsibilities to another gatekeeper or directs the original gatekeeper to setup and service the call.

In addition, the workload determining methodology of Ma differs from the claimed technique. In Ma, the gatekeeper collects workload information and reports to the LMU (column 9, lines 28-33) or the LMU periodically queries the gatekeeper (column 9, lines 34-39). In contrast, the claimed approach has the effect of assigning workload to the first one of a plurality of VoIP proxy servers to respond to a request transmitted to all of the VoIP proxy servers from the load balancing proxy server.

Okano does not cure the deficiencies of Ma. In addition, the cancel request referred to by the Examiner at column 18, lines 58-63 is used by load balancing apparatus to remove themselves from participation in the Okano system. This is not at all akin to the cancellation of requests sent from the claimed load balancing proxy server to the VoIP proxy servers that were not the first VoIP proxy serve to respond.

Claims 18-24 depend from claim 17 and claims 26-30 depend from claim 25. The dependent claims recite additional novel and unobvious aspects of the invention.

## **7. Conclusion**

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.


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If there are any fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. INMEP102US.

Respectfully submitted,

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